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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

LAURA A. AUSTIN, CLERK By: s/J.Vasquez

June 24, 2025

JOSHUA D. PAYNE,	DEPUTY CLERK
Plaintiff,) Case No. 7:25-cv-00268
v.) <u>MEMORANDUM OPINION</u>
PAM NORTON,) By: Hon. Thomas T. Cullen) United States District Judge
Defendant.)

Plaintiff Joshua D. Payne, proceeding *pro se*, filed a civil-rights complaint under 42 U.S.C. § 1983 against Addictions Counselor Pam Norton. (*See* Compl. [ECF No. 1].) On May 13, 2025, the court ordered Plaintiff to execute and return a consent to withholding of filing fees form to complete his application for leave to proceed *in forma pauperis* without prepayment of the filing fee. (*See* Order [ECF No. 4].) The Court advised Plaintiff that failure to comply with the order within 30 days would result in dismissal of this action without prejudice. (*Id.* at 2.)

More than 30 days have elapsed, and Plaintiff has failed to submit a signed consent form or pay the full filing fee. Accordingly, the Court will dismiss the action without prejudice for failure to prosecute and to comply with the Court's order. *See* Fed. R. Civ. P. 41(b). If he so chooses, Plaintiff may refile the claims in a separate action, subject to the applicable statute of limitations.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to Plaintiff.

ENTERED this 24th day of June, 2025.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN UNITED STATES DISTRICT JUDGE